GOVERNMENT OF INDIA
AGRICULTURE
LOK SABHA

UNSTARRED QUESTION NO:4990
ANSWERED ON:19.04.2001
IMPORT OF AGRICULTURAL ARTICLES
RAGHUNATH JHA

Will the Minister of AGRICULTURE be pleased to state:

(a) whether the audit during 1996 has revealed failure to recover the sum of Rs.80.43 lakh from the importers who were liable to pay the same towards inspection fee on the import of agricultural articles during October,1989 to April,1992;

(b) if so, the reasons therefor and the steps taken to recover the same now from the importers;

(c) whether any responsibility has been fixed on the officials for their failure to recover the amount and take due diligence in the discharge of their duties;

(d) if not, the reasons therefor; and

(e) the action likely to be initiated by the Government against the guilty officials?

Answer

MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE (SHRI SHRIPAD Y. NAIK)

(a) Yes, Sir.

(b) to (e) The import of plants/plant materials is regulated as per the provisions contained in the Plants, Fruits and Seeds (Regulation of import into India) Order, 1989 (PFS Order) issuedunder the Destructive Insects & Pests Act, 1914 (DIP Act).The principal PFS Order provided for the levy of fees on account of plant quarantine inspection/treatment of the consignments of plants / plant materials. The levy of the said fees was however challenged in different courts by importers and certain interim orders were passed by them from time to time. The Hon'ble Kolkata High Court in their judgement dated 19.6.90, declared the levy of plant quarantineinspection fee as ultra vires, on the ground that the DIP Act did not contain any enabling provisions therefor. A Presidential Ordinance was, therefore, promulgated on 25.1.1992 empowering the Central Government to levy the plant quarantine fee retrospectively by amending the DIP Act. This Presidential Ordinance was ratified by the Parliament on31.3.1992. The arrears of fees got accumulated under these peculiar circumstances. The process of recovery of fee was started by pursuing the matter with importers. However due to a legal lacunae viz. there being no specific provision for enforcing the recovery of arrears of fee in the existing DIP Act or in the PFS Order, the efforts did not yield any result. The remedial action has been taken in consultation with the Ministry of Finance, Department of Revenue to recover the arrears of fee under Section 142 of the Customs Act,1962. Out of Rs.80.43 lakh, a sum of Rs.18.10 lakh has been recovered as on 31.3.2001.